

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID A. SEVERANCE,

Plaintiff,

v.

DR. CHARLES WILLIAM CHASTAIN,

et al.,

Defendants.

No. 4:15-CV-74 CAS

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff David A. Severance's Motion for Reimbursement of Expert Costs. Defendants have not responded to the motion and the time to do so has expired. Plaintiff requests reimbursement for expert fees in the amount of \$7,500, and out-of-pocket expenses in the amount of \$1,529.50 from the Eastern District of Missouri's Non-Appropriated Fund.

Requests for reimbursement for the expenditure of out-of-pocket expenses, including reasonable expert witness fees, may be made pursuant to this Court's Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-Of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings pursuant to 28 U.S.C. § 1915(e) (the "Regulations"), available on the Eastern District of Missouri's Website.<sup>1</sup> Cf. Gorton v. Todd, 793 F.Supp.2d 1177, 1186 (E.D. Cal. 2011) (appointed counsel may request reimbursement for expert witness fees from court's non-appropriated fund). The Regulations permit a judge to approve expense reimbursement up to \$5,000; expense requests of up to \$10,000 must be approved by the Court's Non-Appropriated Fund Committee.

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<sup>1</sup>Select the "Attorneys" tab, then "Appointed Counsel Fees and Expenses." The applicable Regulations, instructions, and forms are available.

Plaintiff has submitted two requests for reimbursement of out-of-pocket expenses with records documenting fees in the total amount of \$9,029.50. Of this total, \$7,500 is for 15 hours of work performed by plaintiff's expert witness, Dr. Stephen Shall, which include: (1) review of records and preparation of initial report; (2) review of additional attachments including defendants' expert witness report; (3) review of records of deposition; (4) deposition preparation; (5) deposition; and (6) review of written deposition. The remaining \$1529.50 is for the cost of the stenographer and videographer for Dr. Shall's deposition.

The Court concludes that the time expended by Dr. Shall and the hourly rates claimed are reasonable in light of the procedural history and medical complexity of the case. However, the amount sought for reimbursement from the Non-Appropriated Fund for out-of-pocket expenses exceeds the \$5,000 the assigned judge is authorized to approve. See Regulations, § B.3. Accordingly, the Court will forward plaintiff's request for reimbursement of expenses to the chairperson of the Non-Appropriated Fund Committee with the recommendation that the sum of \$7,500 be paid to Dr. Shall for his services in this case.

The Court further concludes that plaintiff's request for out-of-pocket expenses in the amount of \$1529.50 for the stenographer and videographer is reasonable and proper for reimbursement. As a result, plaintiff will be awarded \$1529.50 to be paid directly to Armstrong Teasdale, LLP for reimbursement of costs pertaining to the videographer and stenographer for Dr. Shall's deposition.

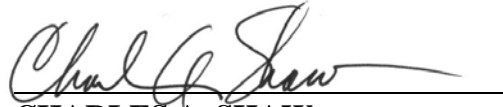
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff David A. Severance's Motion for Reimbursement of Out-of-Pocket Expenses is **GRANTED** in the amount of One Thousand Five Hundred Twenty-Nine Dollars and Fifty Cents (\$1529.50) for out-of-pocket expenses. [Doc. 222]

**IT IS FURTHER ORDERED** that the Clerk of Court disburse the sum of One Thousand Five Hundred Twenty-Nine Dollars and Fifty Cents (\$1529.50) from the Non-Appropriated Fund, payable to Armstrong Teasdale LLP, with payment mailed to:

Armstrong Teasdale LLP  
Attn: Patrick J. Kenny, Esq.  
7700 Forsyth Boulevard, Suite 1800  
St. Louis, Missouri 63105

**IT IS FURTHER ORDERED** that the Clerk of Court shall forward plaintiff's request for reimbursement of expenses in excess of \$5,000 to the chairperson of the Non-Appropriated Fund Committee along with a copy of this Memorandum and Order, recommending that the sum of Seven Thousand Five Hundred Dollars (\$7,500) be paid to Dr. Shall for his services in this case.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 4th day of December, 2018.